

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

ALLEN ALPHONZO ADAMS,

Plaintiff,

V.

DR. HALE BURNSIDE,

Defendant.

CIVIL ACTION NO. 1:13-CV-8 (MTT)

ORDER

This matter is before the Court on the Recommendation of Magistrate Judge Charles H. Weigle (Doc. 42) on the Defendant's motion to dismiss (Doc. 24) and the Plaintiff's motions for a protective order (Doc. 27), to strike (Doc. 28), and for summary judgment (Doc. 29). The Magistrate Judge recommends granting the Defendant's motion because the Plaintiff has abused judicial process by failing to disclose numerous prior lawsuits and because the Plaintiff fails to state a claim on which relief may be granted. The Plaintiff objected to the Recommendation (Doc. 43), and the Defendant responded to the objection (Doc. 44). The Court has thoroughly considered the Plaintiff's objection and has made a de novo determination of the portions of the Recommendation to which the Plaintiff objects.

Though the nature of the Plaintiff's objection is difficult to discern, he appears to contend the Magistrate Judge erred in finding he failed to state a claim for an Eighth Amendment violation.¹ The Plaintiff did not object to the Magistrate Judge's finding that his failure to disclose prior lawsuits amounted to an abuse of judicial process. The

¹ The Plaintiff's Eighth Amendment claim against Dr. Burnside is the only claim remaining after a frivolity review of the Plaintiff's complaint pursuant to 28 U.S.C. § 1915A. (Docs. 7, 13).

Court agrees that the Plaintiff has failed to state a claim based on the reasoning in the Recommendation. The Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the Defendant's motion to dismiss (Doc. 24) is **GRANTED**, and the complaint is **DISMISSED without prejudice**. The Plaintiff's motion for protective order (Doc. 27), motion to strike (Doc. 28), and motion for summary judgment (Doc. 29) are **DENIED as moot**.

SO ORDERED, this 11th day of February, 2014.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT